

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 BRIAN YOUNG,) No. C 12-04015 EJD (PR)
12 Petitioner,) ORDER GRANTING EXTENSION OF
13 vs.) TIME TO FILE COMPLETE *IN
14 ALAMEDA COUNTY SUPERIOR*) *FORMA PAUPERIS* APPLICATION
15 COURT,)
16 Respondent.)
17 _____)

18 On July 13, 2012, Petitioner, a state prisoner proceeding pro se, filed a
19 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Clerk sent
20 Petitioner a notice on the same day that he must either pay the full filing fee or file
21 an in forma pauperis (“IFP”) application within thirty days or the case would be
22 dismissed. (Docket No. 2.) Along with the notice, Petitioner was mailed the court’s
23 In Forma Pauperis Application, instructions for completing such an application,
24 including a Certificate of Funds form to be completed and signed by a prison
25 official, and a return envelope. (Id.) On August 28, 2012, Petitioner filed an IFP
26 application. (Docket No. 3.) This IFP application is deficient because Plaintiff
27 failed to submit a Certificate of Funds in Prisoner’s Account that was completed and
28

United States District Court

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1 signed by an authorized prison official or a statement of his trust account for the last
2 six (6) months. (Id.)

3 In the interest of justice, Petitioner is granted an extension of time to file the
4 missing documents to complete his IFP application. Petitioner must file a completed
5 Certificate of Funds in Prisoner's Account and statement of his trust account for the
6 last six (6) months **no later than thirty (30) days** from the date this order is filed.
7 In the alternative, Petitioner may pay the \$5.00 filing fee in the same time provided.

8 **FAILURE TO FILE A TIMELY RESPONSE IN ACCORDANCE**
9 **WITH THIS ORDER WILL RESULT IN THE DISMISSAL OF THIS**
10 **ACTION WITHOUT FURTHER NOTICE TO PETITIONER.**

11 The Clerk shall enclose two blank copies of the Certificate of Funds in
12 Prisoner's Account with a copy of this order to Petitioner.

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14 DATED: 9/21/2012

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EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BRIAN YOUNG,

Case Number: CV12-04015 EJD

Plaintiff,

CERTIFICATE OF SERVICE

v.

ALAMEDA COUNTY OF et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 24, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Brian Young T-15087
San Quentin State Prison
San Quentin, CA 94974

Dated: September 24, 2012

Richard W. Wiking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk